

03:45PM

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227  
(LJV)

February 15, 2024

TRANSCRIPT EXCERPT - CROSS & RECROSS EXAMS OF DALE KASPRZYK  
BEFORE THE HONORABLE LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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And

UNITED STATES DEPARTMENT OF JUSTICE  
BY: JORDAN ALAN DICKSON, ESQ.

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For the Plaintiff

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BY: ROBERT CHARLES SINGER, ESQ.  
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And

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BY: PARKER ROY MacKAY, ESQ.

3110 Delaware Avenue  
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For the Defendant

PRESENT:

BRIAN A. BURNS, FBI Special Agent  
MARILYN K. HALLIDAY, HSI Special Agent  
KAREN A. CHAMPOUX, USA Paralegal

**LAW CLERK:** REBECCA FABIAN IZZO, ESQ.

**COURT DEPUTY CLERK:** COLLEEN M. DEMMA

**COURT REPORTER:** ANN MEISSNER SAWYER, FCRR, RPR, CRR  
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\* \* \* \* \*

(Excerpt commenced at 3:46 p.m.)

(Jury is present.)

**D A L E K A S P R Z Y K**, having been duly called and sworn,  
testified as follows:

(Direct examination from 3:46 p.m. to 4:21 p.m.)

**THE COURT:** Cross-examination?

**CROSS-EXAMINATION BY MR. SINGER:**

Q. So a little bit of a change from Estero, huh, Mr. Kasprzyk?

A. Yes, for sure.

Q. So, you mentioned that you were the group supervisor for  
D-57 at DEA Buffalo in 2009; is that right?

A. Yes, sir.

Q. And Mr. Bongiovanni is assigned to D-57 that you  
supervised?

A. Yes, sir.

04:22PM 1 Q. And there were a number of other agents that were  
04:22PM 2 assigned to that group, correct?

04:22PM 3 A. Correct.

04:22PM 4 Q. And as the G.S., the group supervisor, your job was  
04:22PM 5 essentially the frontline supervisor for all those people who  
04:22PM 6 worked under you?

04:22PM 7 A. Correct.

04:22PM 8 Q. They were your subordinates, correct?

04:22PM 9 A. Yes.

04:22PM 10 Q. And, you know, part of your job as a supervisor was to  
04:22PM 11 mentor them, correct?

04:22PM 12 A. Yes, sir.

04:22PM 13 Q. Part of your job was to review their work product,  
04:22PM 14 correct?

04:22PM 15 A. Yes.

04:22PM 16 Q. Part of your job was to give them direction, correct?

04:22PM 17 A. Yes, sir.

04:22PM 18 Q. Part of your job was to review their progress on cases,  
04:22PM 19 correct?

04:22PM 20 A. Correct.

04:22PM 21 Q. Part of the job that you had as a supervisor was to  
04:22PM 22 approve cases opening up?

04:22PM 23 A. Yes, sir.

04:22PM 24 Q. Also, any new cases that were opened up regarding a  
04:22PM 25 target, right?

04:22PM

1 A. Yes, sir.

04:22PM

2 Q. And, you know, other parts of your job were if there was  
3 a confidential source, a CS, you were part of the process to  
4 trigger approval on that, right?

04:23PM

5 A. Correct.

04:23PM

6 Q. If there any type of controlled buys that wanted to be  
7 conducted by an agent in D-57 under you, you would have been  
8 part of the approval process for that, correct?

04:23PM

9 A. I missed part of your question, controlled --

04:23PM

10 Q. Sure, I can restate it.

04:23PM

11 So if there was a controlled buy that an agent in D-57  
12 wanted to do --

04:23PM

13 A. Oh, controlled buy.

04:23PM

14 Q. -- you would have been part of the approval process on  
15 that, right?

04:23PM

16 A. Yes, sir.

04:23PM

17 Q. You would have had to sign off to appropriate any type of  
18 funds that may be used for the buy?

04:23PM

19 A. Yes.

04:23PM

20 Q. Okay. And you mentioned that you had a professional  
21 relationship with Agent Bongiovanni; is that right?

04:23PM

22 A. Yes, sir.

04:23PM

23 Q. It wasn't anything outside the office, correct?

04:23PM

24 A. How -- how would you describe outside of the office?

04:23PM

25 Q. Sure. So did you ever associate after working hours with

1 | Mr. Bongiovanni?

2 A. We -- if there was an occasion where the agents were  
3 going out after work, I would go out and Joe would be there  
4 and we'd talk, yes.

5 Q. So if it was going out for, like, an impromptu happy  
6 hour, that's something you would have been a part of and  
7 spoke to Mr. Bongiovanni?

8 | A. Yes, sir.

9 Q. Or if it was something a little more formal, like a DEA  
10 Christmas party, you would have attended that along with  
11 Mr. Bongiovanni and other people?

12	A. That's right.
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13 Q. Okay. So you talked a little bit about DEA. I want to  
14 get into that a little bit.

15           The type of drugs that DEA are charged with  
16   investigating, they can run any one of the different  
17   schedules under federal law; is that right?

18	A. Correct.
----	-------------

19 Q. And that would include things like cocaine?

20	A. Yes.
----	---------

21 Q. That would include things like crack cocaine or cocaine  
22 base?

23	A. Yes.
----	---------

24 | Q. It would include heroin?

25	A. Yes.
----	---------

04:24PM 1 Q. It would include fentanyl?

04:24PM 2 A. Yes.

04:24PM 3 Q. And it would include marijuana, true?

04:24PM 4 A. Correct.

04:24PM 5 Q. So there are certain drugs in your experience, and  
04:24PM 6 forgive me, how long did you work as a DEA agent before you  
04:24PM 7 left to your current job in the civilian sector?

04:24PM 8 A. I began in 1989, and I retired in 2013.

04:24PM 9 Q. Okay. So quite a number of years as an agent?

04:25PM 10 A. About 25 years.

04:25PM 11 Q. So you'd agree with me that there are certain drugs that  
04:25PM 12 are on the street, illegal narcotics, that are more dangerous  
04:25PM 13 than others, right?

04:25PM 14 A. I think each of the drugs has their own level of danger,  
04:25PM 15 yes, I think that's fair to say.

04:25PM 16 Q. Okay. So in other words, there are certain drugs out  
04:25PM 17 there where if someone took them, it might cause them to  
04:25PM 18 overdose, correct?

04:25PM 19 A. Yes, sir.

04:25PM 20 Q. And there are other drugs on the street where if someone  
04:25PM 21 took them, it might not always cause an overdose, right?

04:25PM 22 A. Correct.

04:25PM 23 Q. So an overdose drug might be more dangerous than another  
04:25PM 24 one, correct?

04:25PM 25 A. Yes, sir.

04:25PM 1 Q. Okay. And there certain drugs that carry greater  
04:25PM 2 penalties based on the dangerousness, correct?

04:25PM 3 A. Correct.

04:25PM 4 Q. Okay. So, based on all of that, you were the group  
04:25PM 5 supervisor at the DEA, correct?

04:25PM 6 A. Correct.

04:25PM 7 Q. You're also the resident agent in charge, in other words  
04:25PM 8 it was one step higher than the G.S. level, you were in  
04:25PM 9 charge of the whole Buffalo office, right?

04:25PM 10 A. Correct.

04:26PM 11 Q. So as the RAC, you would have been responsible for the  
04:26PM 12 G.S.s in the different groups in the Buffalo office, right?

04:26PM 13 A. Yes, sir.

04:26PM 14 Q. And there were four different groups in the Buffalo  
04:26PM 15 office at that time?

04:26PM 16 A. There were three.

04:26PM 17 Q. There were three, yeah, the --

04:26PM 18 A. Three.

04:26PM 19 Q. -- D-57 that you were the former G.S. of, correct?

04:26PM 20 A. Correct.

04:26PM 21 Q. There was D-58, a different group, right?

04:26PM 22 A. Correct.

04:26PM 23 Q. And then there was the tactical diversion group, correct?

04:26PM 24 A. Correct.

04:26PM 25 Q. And that was a group that dealt with prescription drugs

04:26PM 1 and making sure pharmacies were abiding by all the rules and  
04:26PM 2 regulations, correct?  
04:26PM 3 A. Pharmaceuticals, yes.  
04:26PM 4 Q. Pharmaceuticals, correct.  
04:26PM 5 So, you would have been charged, as the RAC, responsible  
04:26PM 6 for all those different groups, right?  
04:26PM 7 A. Yes, sir.  
04:26PM 8 Q. And all the different people under them, right?  
04:26PM 9 A. Correct.  
04:26PM 10 Q. Now I know we love to live in a land with unlimited  
04:26PM 11 resources, but that's not the reality of the world we live  
04:26PM 12 in, right?  
04:26PM 13 A. That's correct.  
04:26PM 14 Q. So, as the RAC, you would prioritize certain  
04:27PM 15 investigations, correct?  
04:27PM 16 A. At times, I would. Depending upon the circumstances of  
04:27PM 17 the case.  
04:27PM 18 Q. Correct. Because investigations cost money, correct?  
04:27PM 19 A. Correct.  
04:27PM 20 Q. And they cost resources?  
04:27PM 21 A. Correct.  
04:27PM 22 Q. And so you want to make sure that you're devoting your  
04:27PM 23 personnel and your resources to things that are important and  
04:27PM 24 priorities, correct?  
04:27PM 25 A. Correct.



04:27PM 1 Q. And there are priorities to both you as the RAC in that  
04:27PM 2 particular office in Buffalo, right?

04:27PM 3 A. Correct.

04:27PM 4 Q. There are also priorities that are sent over to you in  
04:27PM 5 Buffalo from the special agent in charge of your entire  
04:27PM 6 division down in New York City, correct?

04:27PM 7 A. Correct.

04:27PM 8 Q. And also, you work with prosecutors as part of your job,  
04:27PM 9 right?

04:27PM 10 A. Yes, sir.

04:27PM 11 Q. So, in Buffalo, you're working with attorneys from the  
04:27PM 12 United States Attorney's Office for the Western District of  
04:27PM 13 New York, correct?

04:27PM 14 A. Yes.

04:27PM 15 Q. And those prosecutors would have certain priorities that  
04:27PM 16 they wanted to concentrate on as far as law enforcement in  
04:27PM 17 the area, correct?

04:28PM 18 A. Not necessarily. The prosecutors don't often weigh in on  
04:28PM 19 the priorities of the DEA office.

04:28PM 20 Q. Okay. So they don't control any of the decisions that  
04:28PM 21 you make as an officer as far as cases?

04:28PM 22 A. They control decisions about the prosecution of  
04:28PM 23 defendants, but as far as the case initiation itself, that's  
04:28PM 24 typically done at the agency level.

04:28PM 25 Q. Okay. So as far as prosecutors' role in the process,

04:28PM 1 they bring certain cases to trial; is that a fair statement?

04:28PM 2 A. Correct.

04:28PM 3 Q. But they don't bring other cases to trial; is that

04:28PM 4 another fair statement?

04:28PM 5 A. Correct.

04:28PM 6 Q. And sometimes that's based on limitations they have in

04:28PM 7 their own office based on resources, right?

04:28PM 8 A. I can't speak for how the U.S. Attorney's Office makes

04:28PM 9 those decisions.

04:28PM 10 Q. Okay. But they did make decisions about certain type of

04:28PM 11 cases, like, look, you know, we don't have the resources to

04:28PM 12 prosecute this type of case, right?

04:28PM 13 A. It's been a long time since I've had a conversation with

04:28PM 14 a prosecutor about a case.

04:28PM 15 Q. Okay. So you don't remember anything back when you were

04:28PM 16 the G.S.?

04:29PM 17 A. I remember lots of conversations, but not often talking

04:29PM 18 about them not having the resources to do the job. That's

04:29PM 19 not a conversation that I ever heard from the U.S. Attorney's

04:29PM 20 Office.

04:29PM 21 Q. Okay. All right. So you don't remember any of those

04:29PM 22 conversations?

04:29PM 23 A. No, that's not what I said. I said I remember the

04:29PM 24 conversations, but I don't remember a prosecutor telling me

04:29PM 25 that that they don't have enough resources to do the work

04:29PM 1 that we're bringing them, that was not something I heard from  
04:29PM 2 the prosecutors back when I was bringing cases to them.  
04:29PM 3 Q. Okay. Like, so for instance, let's say someone crossed  
04:29PM 4 the border, right?  
04:29PM 5 A. Crossed the border?  
04:29PM 6 Q. Crossed the border.  
04:29PM 7 A. Yes, sir.  
04:29PM 8 Q. And let's say they had a dime bag of marijuana on them.  
04:29PM 9 Was that something that you would investigate?  
04:29PM 10 A. No. That would be handled by Homeland Security.  
04:29PM 11 Q. Okay. And Homeland Security at that point in time in  
04:29PM 12 2009 didn't exist, because that agency wasn't created at that  
04:29PM 13 time, would the DEA get a phone call and say, hey, we have  
04:29PM 14 this one person at the border with a dime bag of marijuana,  
04:29PM 15 can you please investigate?  
04:30PM 16 A. Border interceptions were typically not handled by the  
04:30PM 17 DEA, they were handled by customs who are the border  
04:30PM 18 enforcement personnel. It was rare that we would get a call  
04:30PM 19 on a border interdiction.  
04:30PM 20 Q. Okay. So another agency would handle those type of  
04:30PM 21 cases, right?  
04:30PM 22 A. Typically, yes.  
04:30PM 23 Q. But you would be focused on other things, right?  
04:30PM 24 A. Yes, sir.  
04:30PM 25 Q. Okay. Let's say that somebody called up the confidential

04:30PM 1 tip line that DEA established in Buffalo. You would maintain  
04:30PM 2 a confidential tip line in Buffalo?

04:30PM 3 A. We do not, no.

04:30PM 4 Q. Okay. Didn't have anything, like, people calling in to  
04:30PM 5 the DEA and giving tips?

04:30PM 6 A. People would call in and provide tips, and we would take  
04:30PM 7 those calls and -- and follow up when appropriate.

04:30PM 8 Q. And so if somebody called up the DEA and requested that  
04:30PM 9 you investigate a case involving something like a dime bag of  
04:30PM 10 marijuana, would you send resources to investigate that type  
04:30PM 11 of case?

04:30PM 12 A. It would depend upon the individual that was selling the  
04:30PM 13 marijuana.

04:30PM 14 Q. And in your experience, did it more often than not result  
04:31PM 15 in you not taking action but referring that to another agency  
04:31PM 16 to do?

04:31PM 17 A. Again, sir, it would depend upon who it was that -- that  
04:31PM 18 they were identifying as the target of the investigation.

04:31PM 19 Q. Okay.

04:31PM 20 A. I would then make a decision, or the agent would make a  
04:31PM 21 decision about what to do with the case depending on who it  
04:31PM 22 was that was identified.

04:31PM 23 Q. So, getting back to 2009. So November of 2009,  
04:31PM 24 Mr. Bongiovanni, he was working under you, and you were the  
04:31PM 25 G.S. at D-57 at the time, right?

04:31PM

1 A. Yes, sir.

04:31PM

2 Q. And he indicated to you in an office meeting that he was

04:31PM

3 contacted by a person by the name of Peter Gerace, correct?

04:31PM

4 A. Correct.

04:31PM

5 Q. And at that time, did you know who Peter Gerace was?

04:31PM

6 A. I knew of him, yes.

04:31PM

7 Q. What did you know of him exactly?

04:31PM

8 A. That he was the owner of Pharaoh's.

04:31PM

9 Q. Okay. So, he was the owner of Pharaoh's. Was that

04:31PM

10 something that you learned throughout the course of your

04:31PM

11 professional life in the DEA?

04:32PM

12 A. Yes, sir.

04:32PM

13 Q. All right. And was that something that you learned as a

04:32PM

14 result of investigations being done by certain members of

04:32PM

15 your office?

04:32PM

16 A. No, sir.

04:32PM

17 Q. Okay. How did you learn it?

04:32PM

18 A. I knew that from my conversations with Jim Jancewicz of

04:32PM

19 the FBI.

04:32PM

20 Q. Okay. So you learned that through Jim Jancewicz of the

04:32PM

21 FBI?

04:32PM

22 A. Correct.

04:32PM

23 Q. All right. So, as far as Mr. Bongiovanni, you said that

04:32PM

24 he walked into your office and he indicated that Mr. Gerace

04:32PM

25 gave him a telephone call, correct?

04:32PM 1 A. Yes, sir.

04:32PM 2 Q. And he communicated in that telephone call that he  
04:32PM 3 potentially wanted to act as some type of source for the DEA  
04:32PM 4 for the purpose of lessening his punishment on a parole  
04:32PM 5 violation, correct?

04:32PM 6 A. Correct.

04:32PM 7 Q. And so Mr. Bongiovanni communicated this to you. And you  
04:32PM 8 testified earlier, like you did a second ago, that you were  
04:32PM 9 familiar with the fact that FBI was investigating Peter  
04:32PM 10 Gerace and Pharaoh's Gentlemen's Club at the time, correct?

04:32PM 11 A. Yes, sir.

04:32PM 12 Q. And, so, Mr. Bongiovanni, during that conversation, also  
04:32PM 13 indicated to you that he had some type of a relationship with  
04:33PM 14 Mr. Gerace, correct?

04:33PM 15 A. That he knew him, yes.

04:33PM 16 Q. Correct. Grew up with him in the neighborhood?

04:33PM 17 A. Yes, he mentioned that. Knew him from the neighborhood.

04:33PM 18 Q. Okay. So he knew him. And you've had a situation --  
04:33PM 19 Buffalo's a small town, Buffalo DEA is a small office, where  
04:33PM 20 agents may have known potential targets of investigations  
04:33PM 21 before, correct?

04:33PM 22 A. Yes.

04:33PM 23 Q. And so the normal course was that when that occurred, you  
04:33PM 24 wanted your agents to raise that to the attention of their  
04:33PM 25 group supervisor, correct?

04:33PM 1 A. Let me just make sure I understand your question.

04:33PM 2 Q. Certainly.

04:33PM 3 A. You're asking me if -- if when that's known, they should  
04:33PM 4 bring that to me and explain that to me?

04:33PM 5 Q. Correct.

04:33PM 6 A. Yes.

04:33PM 7 Q. Okay. So, you put it out to your subordinates in D-57  
04:33PM 8 that, hey, if you have a situation where you know a target of  
04:33PM 9 the investigation, please raise that to my attention?

04:33PM 10 A. Yes.

04:33PM 11 Q. Okay. And, so, in this situation, Mr. Bongiovanni knew  
04:33PM 12 Peter Gerace, correct?

04:33PM 13 A. Correct.

04:33PM 14 Q. And he raised that fact to your attention, correct?

04:34PM 15 A. Correct.

04:34PM 16 Q. So, he raised it to your attention. And did he also  
04:34PM 17 indicate to you that he was uncomfortable with conducting  
04:34PM 18 this investigation since he knew Mr. Gerace, right?

04:34PM 19 A. No, he did not raise that.

04:34PM 20 Q. Didn't raise that to you at all?

04:34PM 21 A. No.

04:34PM 22 Q. Okay. Well, if Mr. Bongiovanni raised the fact that he  
04:34PM 23 knew Peter Gerace to you, would you have allowed him to  
04:34PM 24 remain on the case?

04:34PM 25 A. The fact that he knew him?

04:34PM

1 Q. Yes.

04:34PM

2 A. Yes.

04:34PM

3 Q. You would allow him to remain on the case even though he

04:34PM

4 had a personal relationship he brought to your attention?

04:34PM

5 A. He didn't say to me that he had a personal relationship

04:34PM

6 with him, he said he knew him from the neighborhood.

04:34PM

7 Q. Okay. So your testimony is that he didn't raise the fact

04:34PM

8 that he had any type of with relationship him, just that he

04:34PM

9 knew him?

04:34PM

10 A. Correct.

04:34PM

11 Q. All right. So, the fact that he knew him, you don't

04:34PM

12 recall Agent Bongiovanni talking to you about how it was a

04:34PM

13 little awkward because he knew him?

04:34PM

14 A. No, sir.

04:34PM

15 Q. Okay. So you don't remember that as part of your

04:34PM

16 conversation, right?

04:34PM

17 A. Nope. No, I do not.

04:35PM

18 Q. Okay. So the next step that you take after Agent

04:35PM

19 Bongiovanni raises this to your attention is that you make a

04:35PM

20 suggestion to Agent Bongiovanni that he should contact the

04:35PM

21 FBI office in Buffalo, right?

04:35PM

22 A. Sir, it wasn't a suggestion, it was -- I directed him to

04:35PM

23 call group supervisor, Jim Jancewicz, and explain to Jim what

04:35PM

24 it was that Gerace was telling him, and work with the FBI on

04:35PM

25 this case.



04:35PM 1 Q. And thank you for correcting me, because I think that's  
04:35PM 2 an important thing. So you're his G.S., right?

04:35PM 3 A. Correct.

04:35PM 4 Q. And he's a special agent that works for you, correct?

04:35PM 5 A. Correct.

04:35PM 6 Q. There's a chain of command that operates within the DEA,  
04:35PM 7 correct?

04:35PM 8 A. Correct.

04:35PM 9 Q. And you ordered him to go contact the FBI office in  
04:35PM 10 Buffalo, correct?

04:35PM 11 A. Correct.

04:35PM 12 Q. All right. And to your understanding, he did that,  
04:35PM 13 correct?

04:35PM 14 A. I don't know if he did that.

04:35PM 15 Q. You don't know if he did that?

04:35PM 16 A. I don't know if he did that.

04:35PM 17 Q. You never followed up with him about that?

04:35PM 18 A. I do not.

04:35PM 19 Q. Okay. So, you direct Agent Bongiovanni to contact FBI  
04:35PM 20 Buffalo, and more specifically, your counterpart over there,  
04:36PM 21 Special Agent Jancewicz?

04:36PM 22 A. Yes, sir.

04:36PM 23 Q. Okay. So, Agent Jancewicz, he had an open investigation  
04:36PM 24 because one of the things that he oversaw was the Safe  
04:36PM 25 Streets Task Force; is that right?

1 | A. That's correct.

2 | Q. Okay. And Safe Streets -- sorry, a little bit of a

3 | tongue twister. Safe Streets Task Force, one of their

4 | responsibilities was to investigate drug crimes just like the

5 | DEA, correct?

6	A. Correct.
---	-------------

7 | Q. They had to focus on sometimes gang activity?

8 | A. Yes, sir.

9 Q. And sometimes organizational activity?

10	A. Correct.
----	-------------

11 Q. But they had the same power to arrest people for drug

12 | crimes committed under federal law, correct?

13	A. That's correct.
----	--------------------

14 Q. And they had the same power to recommend to the United

15 States Attorney's Office that people should be prosecuted for

16 | drug crimes that they committed that they had evidence of,

17	correct?
----	----------

18	A. Yes.
----	---------

19 Q. Okay. And there wasn't any type of open case on Peter

20 Gerace in the 2009 time period that Agent Bongiovanni came to

21 | you and brought this to your attention, right?

22 | A. You're asking me if the FBI had an open case?

23 Q. No, I'm asking you if DEA had an open case.

24	A. No.
----	--------

25 Q. And, so, one of the reasons why you asked -- or, sorry,

04:37PM 1 ordered Agent Bongiovanni to contact FBI was because they had  
04:37PM 2 an open case and you didn't, correct?

04:37PM 3 A. Correct.

04:37PM 4 Q. And they could prosecute drug crimes just as much as the  
04:37PM 5 DEA, right?

04:37PM 6 A. Correct.

04:37PM 7 **MR. SINGER:** Ms. Champoux, can you bring up  
04:37PM 8 Government Exhibit 30A on the screen, please?

04:37PM 9 **THE COURT:** Just for the witness?

04:37PM 10 **THE CLERK:** It's in evidence.

04:37PM 11 **MR. SINGER:** It's in evidence. Is it published to  
04:37PM 12 the jury?

04:37PM 13 **THE CLERK:** Yes.

04:37PM 14 **THE COURT:** Yep.

04:37PM 15 **MR. SINGER:** Perfect.

04:37PM 16 **BY MR. SINGER:**

04:37PM 17 Q. So I want to talk a little bit more about this DEA-6.

04:37PM 18 So DEA-6s were something that agents regularly wrote in  
04:38PM 19 your office, correct?

04:38PM 20 A. Correct.

04:38PM 21 Q. It's a way to document some type of activity on a case;  
04:38PM 22 is that right?

04:38PM 23 A. That's right.

04:38PM 24 Q. And it's a way that if agents need to know what they did  
04:38PM 25 in a particular circumstance on a day in the past, they can

04:38PM 1 go back to the report and find out what they did, right?

04:38PM 2 A. That's correct.

04:38PM 3 Q. And it's also a tool that you use as a supervisor to

04:38PM 4 track what the agents under your command are doing, correct?

04:38PM 5 A. Yes, sir.

04:38PM 6 Q. So, for instance, one of the things that we talked about

04:38PM 7 was on the bottom of that form down in block 14, do you see

04:38PM 8 that at the bottom of the page, sir?

04:38PM 9 A. Yes, sir.

04:38PM 10 Q. So that's your signature as the group supervisor, right?

04:38PM 11 A. Yes.

04:38PM 12 Q. And you testified on direct that one of the

04:38PM 13 responsibilities you have as a group supervisor, as a

04:38PM 14 supervisor of the special agents in D-57, is to take a look

04:38PM 15 at the reports they're producing and review them, right?

04:38PM 16 A. Yes.

04:38PM 17 Q. And you're reviewing the report to make sure that it's

04:38PM 18 complete, correct?

04:38PM 19 A. Correct.

04:38PM 20 Q. You're reviewing the report to make sure that there are

04:39PM 21 no mistakes in it, correct?

04:39PM 22 A. Correct.

04:39PM 23 Q. You're reviewing the report so that you can make sure

04:39PM 24 that things are accurate in the report, correct?

04:39PM 25 A. Correct.

04:39PM 1 Q. You're reviewing the report to make sure that it's  
04:39PM 2 complying with DEA protocols, correct?

04:39PM 3 A. Yes.

04:39PM 4 Q. And as a supervisor, I can imagine that there are some  
04:39PM 5 instances where a subordinate submitted a report to you that  
04:39PM 6 was un-sat, and you sent it back to them with some  
04:39PM 7 corrections, right?

04:39PM 8 A. On occasion, yes.

04:39PM 9 Q. On occasion you would do that, and that was part of your  
04:39PM 10 job, right?

04:39PM 11 A. Yes.

04:39PM 12 Q. Okay. And that's one of the reasons why you bottom-lined  
04:39PM 13 the report in block 14 after it's submitted to you, correct?

04:39PM 14 A. Correct.

04:39PM 15 Q. So one of the other reasons that you also bottom-line  
04:39PM 16 this is just a way to keep abreast of what's happening in  
04:39PM 17 cases that your agents are working on, correct?

04:39PM 18 A. Yes, sir.

04:39PM 19 Q. Okay. So, with regard to paragraph 2, I want to direct  
04:40PM 20 your attention to that.

04:40PM 21 **MR. SINGER:** And, Ms. Champoux, can you zoom in on  
04:40PM 22 that one paragraph? Thank you.

04:40PM 23 **BY MR. SINGER:**

04:40PM 24 Q. So with regard to paragraph 2, the first three lines that  
04:40PM 25 talk about Peter G. Gerace, do you see that?

04:40PM 1 A. Yes, sir.

04:40PM 2 Q. And it talks about how Gerace has acted as a confidential  
04:40PM 3 source, has been able to provide information regarding  
04:40PM 4 individuals in this case file and other narcotics  
04:40PM 5 investigations in the past.

04:40PM 6 You as a supervisor know the rules, as you testified on  
04:40PM 7 direct, about confidential sources, correct?

04:40PM 8 A. Correct.

04:40PM 9 Q. And, so, confidential sources, as you went through on  
04:40PM 10 direct, are individuals who have to go through certain  
04:40PM 11 protocols, right?

04:40PM 12 A. Correct.

04:40PM 13 Q. So, part of the protocols they have to go through is that  
04:40PM 14 they have to have a sit-down with not just the agent who  
04:40PM 15 wants them to become a C.S. or confidential source, but also  
04:40PM 16 with a group supervisor, yourself, correct?

04:41PM 17 A. Correct.

04:41PM 18 Q. And you mentioned that there's a vetting process that  
04:41PM 19 goes on along with DEA protocols and procedures, right?

04:41PM 20 A. Correct.

04:41PM 21 Q. There's an agreement that also has to be signed as part  
04:41PM 22 of that protocol?

04:41PM 23 A. Correct.

04:41PM 24 Q. And there's also approvals that have to happen both at  
04:41PM 25 your level and above your level, correct?

04:41PM 1 A. Correct. But -- but I just want to clarify here. This  
04:41PM 2 is -- he's suggesting this person's a confidential source and  
04:41PM 3 not a confidential informant. There is a distinction between  
04:41PM 4 the two.

04:41PM 5 Q. Okay. So confidential informants are a little bit  
04:41PM 6 different?

04:41PM 7 A. Confidential informants, by DEA policy, need to be  
04:41PM 8 registered.

04:41PM 9 Q. Okay. And, so, when you say "confidential informant,"  
04:41PM 10 when someone is registered as a confidential informant,  
04:41PM 11 they're given what's called a C.S. number, correct?

04:41PM 12 A. Correct.

04:41PM 13 Q. Because in DEA nomenclature, a C.S., confidential source,  
04:41PM 14 is a confidential informant, correct?

04:41PM 15 A. It could be. But I -- when I was working for DEA, a  
04:42PM 16 confidential informant is a confidential informant.

04:42PM 17 I see more of it as a confidential informant, not  
04:42PM 18 necessarily confidential source. I see a bit of a  
04:42PM 19 distinction there.

04:42PM 20 Q. Okay. So let's talk about that for a second.

04:42PM 21 So, if a person is a confidential informant, as you say,  
04:42PM 22 that person is not identified by names in reports, correct?

04:42PM 23 A. Correct.

04:42PM 24 Q. They're provided a C.S. number, or I guess a C.I. number,  
04:42PM 25 as you would have it, with regard to that's a way to protect

04:42PM 1 their identity, right?

04:42PM 2 A. Correct.

04:42PM 3 Q. So I'll direct your attention back to paragraph 2. So it  
04:42PM 4 talks about how Peter G. Gerace is a confidential source,  
04:42PM 5 right?

04:42PM 6 A. Correct.

04:42PM 7 Q. He's identified by name in that paragraph, right?

04:42PM 8 A. Correct.

04:42PM 9 Q. So this is the type of person that would not be given  
04:42PM 10 some type of confidential source agreement, would not go  
04:42PM 11 through the same protocols, right?

04:43PM 12 A. Correct.

04:43PM 13 Q. Okay. Otherwise, you, as the supervisor, if you got a  
04:43PM 14 report like this, you would have corrected Agent Bongiovanni,  
04:43PM 15 correct?

04:43PM 16 A. Correct.

04:43PM 17 Q. So, if Peter Gerace had some type of agreement going on  
04:43PM 18 at that point in time, you would have sent this back to Joe  
04:43PM 19 and said, hey, you got the name on this report, you've gotta  
04:43PM 20 take that off, right?

04:43PM 21 A. Correct.

04:43PM 22 Q. Otherwise, you wouldn't be doing your job as a  
04:43PM 23 supervisor, right?

04:43PM 24 A. Correct.

04:43PM 25 Q. Okay.



04:43PM 1 **MR. SINGER:** Ms. Champoux, can you please zoom in on  
04:43PM 2 paragraph 3, please?

04:43PM 3 **BY MR. SINGER:**

04:43PM 4 Q. All right. Can you see that up on the screen --

04:43PM 5 A. Yes, sir.

04:43PM 6 Q. -- Mr. Kasprzyk?

04:43PM 7 A. Yep.

04:43PM 8 Q. So, in this paragraph, you mentioned on direct that the  
04:43PM 9 information in Peter Gerace's possession at that point in  
04:43PM 10 time would have been useful to the DEA in 2009; is that  
04:43PM 11 right?

04:43PM 12 A. Yes.

04:43PM 13 Q. Because it involves something involving drug trafficking,  
04:44PM 14 correct?

04:44PM 15 A. Correct.

04:44PM 16 Q. So, you had a conversation with Mr. Bongiovanni in your  
04:44PM 17 office about Peter Gerace calling him up, correct?

04:44PM 18 A. Yes, sir.

04:44PM 19 Q. And Mr. Bongiovanni mentioned that he wanted to be some  
04:44PM 20 type of confidential source or informant at that point in  
04:44PM 21 time, right?

04:44PM 22 A. Correct.

04:44PM 23 Q. But since the FBI had an open case regarding Gerace at  
04:44PM 24 that point in time --

04:44PM 25 **MR. DICKSON:** Objection to asked and answered.

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**THE COURT:** Overruled.

**BY MR. SINGER:**

Q. Because the FBI had an open investigation at that point in time, you told Mr. Bongiovanni to contact FBI, right?

A. Yes, sir.

Q. And then after you told him to do that, you get a copy of this DEA-6 put on your desk for approval, correct?

A. Correct.

Q. And like any good supervisor or manager, you reviewed what was the content of these files, correct?

A. Correct.

Q. So you would have read this paragraph 3, which talked about these different things, and you would have read the entire DEA-6, which talked about information in Peter Gerace's possession regarding drug trafficking, correct?

A. Sir, he didn't offer any information in the 6 about the drug trafficking other than the potential to offer information.

Q. So the potential to offer information about kilogram-quantity drug traffickers, correct?

A. Correct.

Q. Involving cocaine, correct?

A. Correct.

Q. And you would have read this as a result of being a supervisor and bottom-lining the report, correct?

04:45PM 1 A. Yes.

04:45PM 2 Q. So, when you read this, you said this was important

04:45PM 3 information, or would have been useful to the DEA. But when

04:45PM 4 you read this, though, you didn't ask Agent Bongiovanni to

04:45PM 5 open up a file, right?

04:45PM 6 A. Correct.

04:45PM 7 Q. You didn't ask Agent Bongiovanni to bring Peter Gerace

04:45PM 8 in, correct?

04:45PM 9 A. Correct.

04:45PM 10 Q. You didn't sit him down and say, hey, Joe, like, it seems

04:45PM 11 like this guy would be fantastic for us to use in our

04:45PM 12 investigations, bring him into our office, correct?

04:45PM 13 A. Correct.

04:46PM 14 Q. 'Cuz you were confident that FBI would be able to use

04:46PM 15 that information, correct?

04:46PM 16 A. Correct.

04:46PM 17 **MR. SINGER:** You can take that down, thank you.

04:46PM 18 **BY MR. SINGER:**

04:46PM 19 Q. So, the file title on Exhibit 30A, that was entitled the

04:46PM 20 Matthew Scalia file or Scalia file?

04:46PM 21 A. Yes, sir.

04:46PM 22 Q. Okay. And that involved an individual who was under DEA

04:46PM 23 investigation at that time, correct?

04:46PM 24 A. Correct.

04:46PM 25 Q. Okay. So, you've had investigations opened in files with

04:47PM 1 a file title name different than who the target of the  
04:47PM 2 investigation is in the past, correct?

04:47PM 3 Maybe I asked that question poorly. Let me ask that  
04:47PM 4 again. All right?

04:47PM 5 A. Thank you.

04:47PM 6 Q. Okay. So this file was opened on Matthew Scalia,  
04:47PM 7 correct?

04:47PM 8 A. Correct.

04:47PM 9 Q. He was the target of that investigation, correct?

04:47PM 10 A. Correct.

04:47PM 11 Q. And there were other names that were also targets of  
04:47PM 12 investigation in the Matthew Scalia file, correct?

04:47PM 13 A. I would assume so, yes, potentially.

04:47PM 14 Q. So it wasn't the practice of the DEA, like, let's say  
04:47PM 15 that Matthew Scalia gets one file, but then the next target  
04:47PM 16 gets a whole new file open again, right?

04:47PM 17 A. Typically, to write a 6 to a file, under a particular  
04:47PM 18 target name, the information presented in that 6 would have  
04:47PM 19 to have some connection to that primary target.

04:47PM 20 Q. Okay. And the connection could be the type of drug that  
04:47PM 21 was being distributed on the original file title's report,  
04:48PM 22 correct?

04:48PM 23 A. A connection would have to be stronger than just the type  
04:48PM 24 of drug.

04:48PM 25 Q. Okay.

04:48PM 1 A. Typically, the connection would have to show some sort of  
04:48PM 2 organizational link to that individual.

04:48PM 3 Q. Okay. And, so, in the DEA-6 that was submitted here, it  
04:48PM 4 mentions that Peter Gerace had been a source of information  
04:48PM 5 for certain things related to this file and other narcotics  
04:48PM 6 investigations, right?

04:48PM 7 A. Correct.

04:48PM 8 Q. So, if Peter Gerace was giving information to Agent  
04:48PM 9 Bongiovanni that was being used by the office to prosecute  
04:48PM 10 matters in the Scalia file, it would be natural to put this  
04:48PM 11 DEA-6 into the Scalia file, correct?

04:48PM 12 A. Correct.

04:48PM 13 Q. And you remember the Matthew Scalia file, right?

04:49PM 14 A. I do not remember that file.

04:49PM 15 Q. You don't remember anything in particular about it at  
04:49PM 16 all?

04:49PM 17 A. No, sir.

04:49PM 18 Q. Too many years ago?

04:49PM 19 A. It's been a long time, sir, about 15 years.

04:49PM 20 Q. Okay. You don't remember about any successful  
04:49PM 21 prosecutions that came out of that file?

04:49PM 22 A. I do not.

04:49PM 23 Q. Okay. But you're confident that Bongiovanni worked at  
04:49PM 24 some point in time on the file?

04:49PM 25 A. I'm confident that he wrote a 6 documenting his

1 discussions with Peter Gerace to that file.

2 Q. Okay. And in that 6, he mentions how Peter Gerace  
3 provided some information that was useful in the Scalia  
4 investigation, correct?

5 A. He didn't specifically say it was useful in the Scalia  
6 investigation.

7 **MR. SINGER:** Ms. Champoux, can you please bring up  
8 Government Exhibit 30A again?

9 And can you zoom in on paragraph 2 again?

10 Thank you.

11 **BY MR. SINGER:**

12 Q. So I want to direct your attention, Mr. Kasprzyk, to that  
13 middle part of the paragraph. Can you read that, please?

14 A. Gerace has acted as a confidential source, and has been  
15 able to provide information regarding individuals in this  
16 case file and other narcotic investigation in the past.

17 Q. So, when it says "in this case file," it's referring to  
18 the Matthew Scalia file, right?

19 A. Yes, sir.

20 Q. Okay.

21 **MR. SINGER:** You can bring that down. Thank you,  
22 ma'am.

23 **BY MR. SINGER:**

24 Q. So, after you bottom-line the DEA-6 that we're just  
25 talking about, that's something that is then forwarded to

04:51PM 1 someone else in the office to enter into the DEA's database  
04:51PM 2 for all these reports, correct?  
04:51PM 3 A. Yes, sir.  
04:51PM 4 Q. And that's something that then would exist in perpetuity  
04:51PM 5 until it's destroyed by the DEA, correct?  
04:51PM 6 A. Yes, sir.  
04:51PM 7 Q. And this is something you would have directed  
04:51PM 8 Mr. Bongiovanni to do since he was your subordinate?  
04:51PM 9 A. Preparing the 6, sir?  
04:51PM 10 Q. Correct.  
04:51PM 11 A. Yes.  
04:51PM 12 Q. So, as far as the FBI was concerned, you don't control  
04:51PM 13 anything the Safe Streets Task Force does at FBI, correct?  
04:51PM 14 A. I did not.  
04:51PM 15 Q. Okay. You don't have any input into what they do,  
04:52PM 16 correct?  
04:52PM 17 A. No, sir.  
04:52PM 18 Q. They operate independently of the DEA?  
04:52PM 19 A. Correct.  
04:52PM 20 Q. You were aware that the FBI had interest in Peter Gerace;  
04:52PM 21 is that right?  
04:52PM 22 A. Yes, sir.  
04:52PM 23 Q. And that's the reason why you directed Agent Bongiovanni  
04:52PM 24 to contact them about Peter Gerace, correct?  
04:52PM 25 A. That's correct.

04:52PM 1 Q. Was there any time that Agent Jancewicz or anybody else  
04:52PM 2 from FBI reached out to you to say, hey, how is the  
04:52PM 3 cooperation with Peter Gerace going?

04:52PM 4 A. No, sir, not that I can recall.

04:52PM 5 Q. And you never told FBI, after you directed Agent  
04:52PM 6 Bongiovanni to contact the FBI about Peter Gerace, that, hey,  
04:52PM 7 we're gonna move forward with our own investigation into  
04:52PM 8 Peter Gerace, correct?

04:52PM 9 A. Correct, we did not.

04:52PM 10 Q. So as part of the social part of the office, DEA would  
04:53PM 11 hold Christmas parties; that right?

04:53PM 12 A. Correct.

04:53PM 13 Q. And when you were the G.S. at D-57, people would help  
04:53PM 14 organize those Christmas parties for you, correct?

04:53PM 15 A. Correct.

04:53PM 16 Q. And Agent Bongiovanni was one of those individuals?

04:53PM 17 **MR. DICKSON:** Objection, relevance.

04:53PM 18 **THE COURT:** Yeah, where are we going with this?

04:53PM 19 **MR. SINGER:** Can we approach, Judge?

04:53PM 20 **THE COURT:** Sure.

04:53PM 21 (Sidebar discussion held on the record.)

04:53PM 22 **MR. SINGER:** So, during this time, DEA would have  
04:53PM 23 Christmas parties, they held them over at SoHo Bar. SoHo Bar  
04:53PM 24 was a bar that was identified by Agent Casullo many years ago  
04:53PM 25 as a place that was owned and operated by people who had



1 Italian Organized Crime connections.

2 Mr. Bongiovanni was directed to organize a party.

3 One of the things he did was organize it over at SoHo, because  
4 he knew people there, including people who were identified as  
5 IOC targets in DEA and other investigations.

6 He presented the plan to -- to his RAC, as well as  
7 his G.S. And his G.S. said, sure, sounds like a great time.

8 On top of that, these parties also had attendance  
9 from other federal agents, as well as AUSAs from the U.S.  
10 Attorney's Office, as well as people like Judge Skretny who  
11 would come on over.

12 So we have a situation where the G.S. and the RAC  
13 signed off on a party at a location that the government's  
14 going to claim was run by IOC, and he found nothing wrong with  
15 it.

16 So we believe it's relevant to show that what he --  
17 investigation was ongoing as far as IOC was not something that  
18 was necessarily as important as what the government may claim  
19 later.

20 **MR. DICKSON:** Judge, I still don't see the relevance  
21 of asking this witness whether or not he signed off on  
22 throwing a party at this particular restaurant.

23 **THE COURT:** I guess the question is whether he knew  
24 that that was a place that had been labeled an IOC place,  
25 right?

04:55PM 1           **MR. SINGER:** So, I mean, do we want to have a  
04:55PM 2 conversation with him outside the presence of the jury to find  
04:55PM 3 that out? Because obviously, we don't want to taint the room  
04:55PM 4 here. Because I don't know --

04:55PM 5           **MR. COOPER:** I don't believe it taints the pool to  
04:55PM 6 ask the question. I think he's afraid to ask it because he's  
04:55PM 7 not gonna like the answer.

04:55PM 8           **THE COURT:** Yeah, I think you've got to ask the  
04:55PM 9 question. Whether -- whether he -- the government doesn't  
04:55PM 10 have any objection to it, sounds like, so why wouldn't you  
04:55PM 11 want to answer ask the question to lay the foundation for --

04:55PM 12           **MR. SINGER:** I get you.

04:55PM 13           **THE COURT:** How much longer do you have?

04:55PM 14           **MR. SINGER:** I think I'm almost done, probably five  
04:55PM 15 minutes or less.

04:55PM 16           **MR. DICKSON:** Can I just take like five minutes for  
04:56PM 17 redirect?

04:56PM 18           **THE COURT:** Yeah.

04:56PM 19           (End of sidebar discussion.)

04:56PM 20           **THE COURT:** So, the objection is sustained. But you  
04:56PM 21 can lay a foundation for what we discussed.

04:56PM 22           **MR. SINGER:** Just one moment.

04:56PM 23           **THE COURT:** Yep.

04:56PM 24           **BY MR. SINGER:**

04:57PM 25           Q. I want to move on from the Christmas party, Mr. Kasprzyk.

04:57PM 1 One of the things that agents who work at the DEA, in your  
04:57PM 2 experience as a G.S. and a RAC, is that agents need to  
04:57PM 3 possess some type of security clearance; is that right?

04:57PM 4 A. Correct.

04:57PM 5 Q. And as far as a security clearance, you're aware, as a  
04:57PM 6 former RAC and as a former G.S., that individuals who have  
04:57PM 7 financial problems are sometimes flagged, correct?

04:57PM 8 A. Yes, sir, that occasionally happens during the periodic  
04:57PM 9 reinvestigation.

04:57PM 10 Q. Okay. So one of the reasons, in your experience, about  
04:57PM 11 why that happens is that if a person's in a very dire  
04:57PM 12 financial situation, it's -- there's a potential for them to  
04:57PM 13 potentially get exploited; is that right?

04:57PM 14 A. Correct.

04:57PM 15 Q. And the reason for the reinvestigation or continual  
04:57PM 16 investigation of someone's finances is to identify someone  
04:57PM 17 who might fall into that category, correct?

04:57PM 18 A. Yes, sir.

04:57PM 19 Q. When you were the RAC as well as the G.S. of D-57 at  
04:58PM 20 Buffalo, did you ever receive any reports from a security  
04:58PM 21 manager, or the security agency that runs the security  
04:58PM 22 clearances at DEA, that flagged Mr. Bongiovanni in any way  
04:58PM 23 for financial distress?

04:58PM 24 **MR. DICKSON:** Objection, Your Honor. Rule 403. Can  
04:58PM 25 we approach, please?

[illegible]

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**THE COURT:** Okay.

(Sidebar discussion held on the record.)

**MR. DICKSON:** Judge, first of all, this is beyond the scope of what we covered in direct.

Secondly, if we're going to be opening up a conversation into the entirety of Mr. Bongiovanni's background check and security clearance, that's an entirely different matter that's gonna take days and days to suss out, because we're going to have to go through piece by piece everything that was included in the background check.

**THE COURT:** Yeah, so what's the point? That he didn't know that Bongiovanni was having financial problems?

**MR. SINGER:** No, the relevance of it is that he was never put on report for having the financial distress the government's claiming he had.

**THE COURT:** Therefore.

MR. SINGER: So therefore he was not in the financial distress or dire financial distress that would potentially raise a --

**THE COURT:** That's a non sequitur. The fact that he wasn't put on a report doesn't mean he wasn't in financial straits. It means the people who were looking at it at the time didn't know he was in financial straits.

So the fact that he's not on a report for having financial problems, doesn't mean that he doesn't have

financial problems.

Now, and I think Mr. Dickson is right, it's beyond the scope. So if you want to recall him or you want to try to put on this testimony through somebody else, you can do that. But I don't think that it comes in because -- so, do we know whether there was an investigation into his financial --

**MR. SINGER:** There were continual investigations and reinvestigations into Agent Bongiovanni when he was a DEA agent, as he was a federal employee with a security clearance.

**THE COURT:** Were there continuing investigations into his financial situation?

**MR. SINGER:** So --

**THE COURT:** Maybe you can put that on. Maybe you can put that on in your case. I don't think it's appropriate now --

**MR. SINGER:** Okay.

**THE COURT:** -- for this witness.

**MR. SINGER:** Fair enough, Judge.

**THE COURT:** Maybe you can put that on either through this witness or through someone else. We can get him back, yeah.

**MR. SINGER:** No, I mean, I can recall, so --

**THE COURT:** Yeah.

(End of sidebar discussion.)

**THE COURT:** The objection is sustained. Next

question, please.

**MR. SINGER:** I have nothing further, Judge. Thank you.

(Redirect examination from 5:00 p.m. to 5:03 p.m.)

**THE COURT:** Anything more?

**MR. SINGER:** Yes.

**RECROSS-EXAMINATION BY MR. SINGER:**

Q. So by your testimony on the last question, Mr. Kasprzyk, you never verified whether or not Peter Gerace was any type of source, correct?

A. A source, or an informant?

Q. A source or an informant?

A. I did not personally verify that, no.

Q. So let's break that down. You never verified that he was a confidential source, correct?

A. Correct.

Q. You never verified that he was a confidential informant, correct?

A. Correct.

Q. So you have no way of stating one way or another whether he was a source or an informant, correct?

A. I trusted that what Joe --

Q. That wasn't my question, sir. Do you need me to restate the question again?

05:04PM 1 A. Yes, sir.

05:04PM 2 Q. If you never verified that he was a source, correct --

05:04PM 3 A. I did not independently verify it.

05:04PM 4 Q. -- and you never independently verified that he was an  
05:04PM 5 informant, correct --

05:04PM 6 A. Correct.

05:04PM 7 Q. -- you have no way of telling this jury whether he was or  
05:04PM 8 not?

05:04PM 9 A. Other than what was told to me by the agent through  
05:04PM 10 the 6, I did not independently verify it.

05:04PM 11 Q. So the answer is no?

05:04PM 12 A. I did not independently verify it.

05:04PM 13 Q. So the answer is no?

05:05PM 14 A. Your question, again, sir?

05:05PM 15 Q. The question is, again: If you never verified that he  
05:05PM 16 was a source, correct --

05:05PM 17 A. Correct.

05:05PM 18 Q. -- you never verified that he was an informant,  
05:05PM 19 correct --

05:05PM 20 A. Correct.

05:05PM 21 Q. -- you had no way of knowing whether he was or not?

05:05PM 22 A. I didn't know at the time, yes.

05:05PM 23 **MR. SINGER:** Thank you.

05:05PM 24 **MR. DICKSON:** Nothing further, Judge.

05:05PM 25 **THE COURT:** Okay. You can step down, sir.

05:05PM

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**THE WITNESS:** Thank you.

05:05PM

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(Witness excused at 5:05 p.m.)

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(Excerpt concluded at 5:05 p.m.)

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**CERTIFICATE OF REPORTER**

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In accordance with 28, U.S.C., 753(b), I

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certify that these original notes are a true and correct

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record of proceedings in the United States District Court for

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the Western District of New York on February 15, 2024.

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s/ Ann M. Sawyer

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Ann M. Sawyer, FCRR, RPR, CRR

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Official Court Reporter

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U.S.D.C., W.D.N.Y.

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